

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

IN THE APPLICATION OF:

ANTHONY J. KINNEY ET. AL.

CASE NO.: BB1531USNA



APPLICATION NO.: 10/776889

CONFIRMATION NO.:

GROUP ART UNIT: 1634

EXAMINER:

FILED: FEBRUARY 11, 2004

FOR: ANNEXIN AND P34 PROMOTERS AND USE IN EXPRESSION OF TRANSGENIC GENES IN PLANTS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 CFR 1.97 and 1.98, Applicants bring to the attention of the U.S. Patent and Trademark Office information listed on the enclosed PTO/SB/08. A copy of the information is also enclosed.

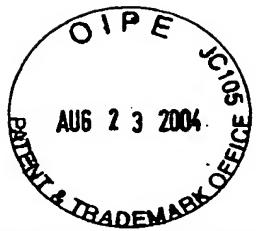
Should any fee be required in connection with the filing of this Information Disclosure Statement, please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

JONATHON NARITA
AGENT FOR APPLICANTS
Registration No.: 53,369
Telephone: (302) 695-3127
Facsimile: (302) 892-1026

Dated: 8/16/04

Enclosures



PTO/SB/92 (08-03)

Approved for use through 07/31/2006. OMB 0561-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 19 August 2004.
Date

A handwritten signature in black ink that reads "Melissa McCullin".

Signature

MELISSA MCCULLIN

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

10/776889

BB1531USNA

INFORMATION DISCLOSURE STATEMENT

PTO/SB/08A FORM (1)

PTO/SB/08B FORMS (3)

REFERENCES (33)

POSTCARD

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO				<i>Complete if Known</i>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				
(use as many sheets as necessary)				
105 Sheet	1	of	1	Attorney Docket Number
				BB1531USNA

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	10/776889
Sheet	1	Filing Date	February 11, 2004
	of 3	First Named Inventor	ANTHONY J. KINNEY ET. AL.
		Group Art Unit	1634
		Examiner Name	
		Attorney Docket Number	BB1531USNA

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	JOAQUIN ESPARTERO ET AL., Differential accumulation of S-adenosylmethionine synthetase transcripts in response to salt stress, Plant Mol. Biol., Vol. 25:217-227, 1994	<input type="checkbox"/>
	2	MAKOTO MATSUOKA ET AL., Tissue-specific light-regulated expression directed by the promoter of a C4 gene, maize pyruvate,orthophosphate dikinase, in a C3 plant, rice, PNAS, Vol. 90:9586-9590, 10/1993	<input type="checkbox"/>
	3	PABLO D. CERDAN ET AL., A 146 bp fragment of the tobacco Lhcb1*2 promoter confers very-low-fluence,low-fluence and high-irradiance responses of phytochrome to a minimal CaMV 35S promoter, Plant Mol. Biol., Vol. 33:245-255, 1997	<input type="checkbox"/>
	4	ROSSITZA ATANASSOVA ET AL., Functional analysis of the promoter region of a maize (Zea mays L.) H3 histone gene in transgenic Arabidopsis thaliana, Plant Mol. Biol., Vol. 37:275-285, 1998	<input type="checkbox"/>
	5	MATS ELLERSTROM ET AL., Functional dissection of a napin gene promoter:identification of promoter elements required for embryo and endosperm-specific transcription, Plant Mol. Biol., Vol. 32:1019-1027, 1996	<input type="checkbox"/>
	6	AINE L. PLANT ET AL., Regulation of an Arabidopsis oleosin gene promoter in transgenic Brassica napus, Plant Mol. Biol., Vol. 25:193-205, 1994	<input type="checkbox"/>
	7	JAMES S. KEDDIE ET AL., A seed-specific Brassica napus oleosin promoter interacts with a G-box-specific protein and may be bi-directional, Plant Mol. Biol., Vol. 24:327-340, 1994	<input type="checkbox"/>
	8	ZHANG-LIANG CHEN ET AL., Regulated Expression of Genes Encoding Soybean beta-Conglycinins in Transgenic Plants, Developmental Genetics, Vol. 10:112-122, 1989	<input type="checkbox"/>
	9	JANICE W. EDWARDS ET AL., Cell-specific expression in transgenic plants reveals nonoverlapping roles for chloroplast and cytosolic glutamine synthetase, PNAS, Vol. 87:3459-3463, 05/1990	<input type="checkbox"/>
	10	THOMAS LUBBERSTEDT ET AL., Promoters from Genes for Plastid Proteins Possess Regions with Different Sensitivities toward Red and Blue Light, Plant Phys., Vol. 104:997-1006, 1994	<input type="checkbox"/>
	11	SHENG LUAN ET AL., A Rice cab Gene Promoter Contains Separate cis-Acting Elements That Regulate Expression in Dicot and Monocot Plants, The Plant Cell, Vol. 4:971-981, 08/1992	<input type="checkbox"/>

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/776889
				Filing Date	February 11, 2004
				First Named Inventor	ANTHONY J. KINNEY ET. AL.
				Group Art Unit	1634
				Examiner Name	
Sheet	2	of	3	Attorney Docket Number	BB1531USNA

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2

of

3

Attorney Docket Number

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	12	PAUL R. EBERT ET AL., Identification of an essential upstream element in the nopaline synthase promoter by stable and transient assays, PNAS, Vol. 84:5745-5749, 08/1987			<input type="checkbox"/>
	13	JOHN C. WALKER ET AL., DNA sequences required for anaerobic expression of the maize alcohol dehydrogenase 1 gene, PNAS, Vol. 84:6624-6628, 10/1987			<input type="checkbox"/>
	14	VADIM L. METT ET AL., A system for tissue-specific copper-controllable gene expression in transgenic plants: nodule-specific antisense of aspartate aminotransferase-P2, Transgenic Research, Vol. 5:105-113, 1996			<input type="checkbox"/>
	15	RICHARD A. JEFFERSON ET AL., GUS fusions: beta-glucuronidase as a sensitive and versatile gene fusion marker in higher plants, The EMBO J., Vol. 6(13):3901-3907, 1987			<input type="checkbox"/>
	16	FRITZ SCHOFFL ET AL., The function of plant heat shock promoter elements in the regulated expression of chimaeric genes in transgenic tobacco, Mol. Gen. Genet., Vol. 217:246-253, 1989			<input type="checkbox"/>
	17	ELISABETH TRUERNIT ET AL., The promoter of the <i>Arabidopsis thaliana</i> SUC2 sucrose-H ⁺ symporter gene directs expression of beta-glucuronidase to the phloem: Evidence for phloem loading and unloading by SUC2, Planta, Vol. 196:564-570, 1995			<input type="checkbox"/>
	18	SONKE HOLTORF ET AL., Comparison of different constitutive and inducible promoters for the overexpression of transgenes in <i>Arabidopsis thaliana</i> , Plant Mol. Biol., Vol. 29:637-646, 1995			<input type="checkbox"/>
	19	MICHAEL J. BATTRAW ET AL., Histochemical analysis of CaMV 35S promoter-beta-glucuronidase gene expression in transgenic rice plants, Plant Mol. Biol., Vol. 15:527-538, 1990			<input type="checkbox"/>
	20	MICHAEL A. LAWTON ET AL., Expression of a soybean beta-conglycinin gene under the control of the Cauliflower Mosaic Virus 35S and 19S promoters in transformed petunia tissues, Plant Mol. Biol., Vol. 9:315-324, 1987			<input type="checkbox"/>
	21	A. WILMINK ET AL., Activity of constitutive promoters in various species from the Liliaceae, Plant Mol. Biol., Vol. 28:949-955, 1995			<input type="checkbox"/>
	22	JOAN T. ODELL ET AL., Identification of DNA sequences required for activity of the cauliflower mosaic virus 35S promoter, Nature, Vol. 313:810-812, 1985			<input type="checkbox"/>

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

3

of

3

Complete if Known

Application Number	10/776889
Filing Date	February 11, 2004
First Named Inventor	ANTHONY J. KINNEY ET. AL.
Group Art Unit	1634
Examiner Name	

Attorney Docket Number BB1531USNA

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	23	MUKUL MATHUR ET AL., Phytohormonal regulation of S-adenosylmethionine synthetase by gibberellic acid in wheat aleurones, Biochimica et Biophysica Acta., Vol. 1137:338-348, 1992	<input type="checkbox"/>
	24	THOMAS KAISER ET AL., Promoter elements of the mustard CHS1 gene are sufficient for light regulation in transgenic plants, Plant Mol. Biol., Vol. 28:219-229, 1995	<input type="checkbox"/>
	25	LOURDES GOMEZ-GOMEZ ET AL., Differential Expression of the S-Adenosyl-L-Methionine Synthase Genes during Pea Development, Plant Phys., Vol. 117:397-405, 1998	<input type="checkbox"/>
	26	JOHN M. McDOWELL ET AL., The Arabidopsis ACT7 Actin Gene Is Expressed in Rapidly Developing Tissues and Responds to Several External Stimuli, Plant Phys., Vol. 111:699-711, 1996	<input type="checkbox"/>
	27	TIM ULMASOV ET AL., The Soybean GH2/4 Gene That Encodes a Glutathione S-Transferase Has a Promoter That Is Activated by a Wide Range of Chemical Agents, Plant Phys., Vol. 108:919-927, 1995	<input type="checkbox"/>
	28	N.-S YANG ET AL., Maize sucrose synthase-1 promoter directs phloem cell-specific expression of Gus gene in transgenic tobacco plants, PNAS, Vol. 87:4144-4148, 06/1990	<input type="checkbox"/>
	29	VICKI L. CHANDLER ET AL., Two Regulatory Genes of the Maize Anthocyanin Pathway Are Homologous: Isolation of B Utilizing R Genomic Sequences, Plant Cell, Vol. 1:1175-1183, 12/1989	<input type="checkbox"/>
	30	JULIE C. LLOYD ET AL., The chloroplast FBPase gene of wheat: structure and expression of the promoter in photosynthetic and meristematic cells of transgenic tobacco plants, Mol. Gen. Genet., Vol. 225:209-216, 1991	<input type="checkbox"/>
	31	JORG STOCKHAUS ET AL., Correlation of the expression of the nuclear photosynthetic gene ST-LS1 with the presence of chloroplasts, EMBO J., Vol. 8(9):2445-2451, 1989	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.